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And Keya Gallery  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
X

PETE LIVINGSTON,

Plaintiff

v.

KEYA MORGAN AND KEYA  
GALLERY,

ELECTRONICALLY FILED

No. 07 CV 7835 (RMB) (KNF)

DEFENDANTS KEYA MORGAN  
And KEYA GALLERY'S NOTICE  
OF MOTION AND MOTION TO  
DISMISS THE PLAINTIFF'S  
COMPLAINT IN ITS ENTIRETY,  
MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
THEREOF

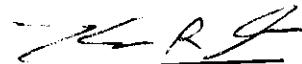
Defendants,

X

NOTICE OF MOTION TO DISMISS THE SECOND AMENDED COMPLAINT  
PURSUANT TO FRCP 12 (b) (1) and 12 (b) (6)

PLEASE TAKE NOTICE that upon the annexed Memorandum of Points and Authorities, dated April 5, 2008, all Exhibits and Declarations attached thereto, and all pleadings in this matter, the Defendants KEYA MORGAN and KEYA GALLERY will and hereby does move this Court before the Honorable Judge Richard M. Berman, U.S.D.J., at the Courthouse, located at 40 Centre Street, Courtroom 706, New York, New York 10007, on submission, for an order pursuant to FRCP 12 (b) (1) and FRCP 12 (b) (6), dismissing the Second Amended Complaint in its entirety, for costs and reasonable attorneys' fees, together with such other and further relief as this Court deems just and proper. Pursuant to Judge Berman's instructions, Plaintiff has until April 23, 2008 to serve and file opposition papers.

Dated: April 5, 2008

S/ 

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